



05-15-07

JFK

**EXPRESS MAIL CERTIFICATE**

Express Mail No.: - EM 046111095 US

Date of Deposit: - May 14, 2007

Type of Document(s): - Transmittal Form (PTO/SB/21)  
- Amendment and Response to Non-Final Office Action  
(12 pages)  
- Postcard Receipt

Application No.: - 10/761,585

Filed: - January 21, 2004

Applicant(s): - Stuart T. SMITH et al.

Title: - POSITIONING DEVICE EMPLOYING A PLATFORM,  
LEVERING MECHANISM AND FLOATING  
ACTUATOR DEVICE

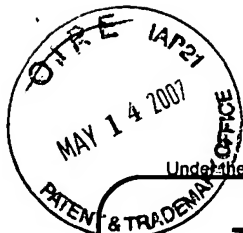
Examiner: - Jermie E. Cozart

Art Unit: - 3726

Attorney Docket No.: - 4293

I hereby certify that the above-referenced documents are being/have been deposited with the United States Postal Service "Express Mail Post Office to Addressee" in accordance with 37 CFR 1.10 on the above-referenced date and are being/have been addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 USA.**

Barbara C. Brown  
Barbara C. Brown  
North Carolina State Bar/Certified Paralegal



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number

10/761,585

Filing Date

January 21, 2004

First Named Inventor

Stuart T. SMITH et al.

Art Unit

3726

Examiner Name

Jermie E. Cozart

Attorney Docket Number

4293

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply (12 pages)



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Remarks

Return Receipt Postcard  
Express Mail Certificate**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

CLEMENTS / WALKER

Signature

Printed name

Christopher L. Bernard

Date

May 14, 2007

Reg. No.

48,234

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Barbara C. Brown

Date

5-14-2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) ) Stuart T. SMITH et al.  
Application No. ) 10/761,585  
Filing Date ) January 21, 2004  
Title ) POSITIONING DEVICE EMPLOYING A PLATFORM,  
              ) LEVERING MECHANISM AND FLOATING  
              ) ACTUATOR DEVICE  
Examiner ) Jermie E. Cozart  
Art Unit ) 3726

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450 USA

---

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Sir/Madam:

In response to the non-final Office Action mailed February 13, 2007, rejecting Claims 1-6, 20, 32, 33, and 35 of the above-referenced Application, in which Claims 1-35 are pending (Claims 7-19, 21-31, and 34 being withdrawn from consideration), Applicants respectfully request that the following amendments be entered and remarks be considered. In view of these amendments and remarks, Applicants submit that the Application is now in condition for allowance and respectfully request such action.